

Memo

Date: October 14, 1999

From: John Renning, Bureau of Reclamation

To: No Name Group

Subject: Joint Point of Diversion Petition

On September 28, Reclamation submitted a temporary urgency petition to the State Board for approval of the use of JPOD for the November - April time frame for up to 45,000 acre-feet in order to fill the federal portion of San Luis Reservoir. (This petition was based upon the September forecast of operations without b(2) actions.) In order for the State Board to approve this petition, they had to either make a finding of no significant impact or that there would be mitigation actions associated with the petitioned action that would result in no significant impact. As part of the process the State Board consulted with the Department of Fish and Game and DFG suggested the following conditions be placed upon use of the JPOD:

1. Use of Joint POD pumping will be limited at all times to 500 cfs or 2 percent of Delta inflow, whichever is greater.
2. In November through January, after the date when the fishery agencies determine through monitoring that juvenile salmon have begun to migrate downstream into the Delta, use of the JPOD will occur only when combined exports are less than 35 percent of inflow to the Delta.

In order for the State Board to release their Initial Study (which would result in a mitigated negative declaration, if I understand the process correctly) Reclamation would have to accept these two conditions.

Reclamation does not accept these two conditions. Our non-acceptance of these conditions is based on the following:

1. The conditions are not needed. We have already agreed to operate to the WQCP, ESA biological opinions, spring-run protection plan, and prescribed b(2) actions.
2. Should Reclamation request further use of JPOD (our present forecasts with b(2) shows that San Luis may be 200,000 acre-feet short of full), these conditions could significantly restrict and perhaps essentially preclude use of JPOD in 1999-2000. Therefore the acceptance of these terms at this time creates a precedent that would be problematic for future operations.

At this point in time Reclamation plans to discuss this issue at the Small Group Meeting on October 19. At the very least, there will no documents released by the State Board until after that meeting.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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